

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 4, 6, 7, 11 and 13-15 are pending in the present application. Claims 1, 4, 6 and 11 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings. No new matter is presented.

In the Office Action, Claims 1, 4, 6, 11, 14-15 are rejected under 35 U.S.C. § 103(a) as unpatentable over Trossen et al. (U.S. Pat. 7,054,643, herein Trossen) in view of Kim et al. (U.S. Pat. 7,286,558, herein Kim) and Laukkanen et al. (U.S. Pat. 6,460,156, herein Laukkanen); and Claims 7 and 13 are rejected under 35 U.S.C. § 103(a) as unpatentable over Trossen in view of Kim, Laukkanen and Agrawal et al. (U.S. Pat. 6,748,234, herein Agrawal).

In response to the above noted rejections under 35 U.S.C. § 103, Applicants respectfully submit that amended independent Claims 1 and 4 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1, for example, is amended to recite, in part, a radio communication system for performing multicast communication comprising:

- a reception ability value collector configured to collect a reception ability value of each mobile station belonging to a specific multicast group ...
- a radio resource manager configured to manage available radio resources;
- a transmission method determiner configured to determine a transmission method ... by at least one of a hierarchical organization of the transmitted information, an amount of data transmitted, a number of codes used to code the transmitted information, an error correction method, a number of blocks, ~~an interleaving length~~ and a rate matching method ...

Independent Claim 4, while directed to an alternative embodiment, is also amended to exclude “interleaving length” as one of the parameters by which the transmission method is determined.

In rejecting Claim 1, the Office Action concedes that Trossen fails to disclose “... wherein the transmission method is determined by at least one of a hierarchical organization of the transmitted information, an amount of data transmitted, a number of codes used to code the transmitted information, an error correction method, a number of blocks, an interleaving length and a rate matching method.” In an attempt to remedy this deficiency, the Office Action relies on col. 3, ll. 22-23:28-32 of Laukkanen, asserting that this reference “teaches a transmission method determined by an interleaving length”.

As note above, however, independent Claims 1 and 4 are amended to exclude “interleaving length” as one of the parameters by which the transmission method is determined. Therefore, Laukkanen fails to cure the above noted deficiencies of Trossen with respect to the claimed parameters by which a transmission method is determined. Moreover, neither Kim nor Agrawal remedy the above noted deficiencies of Trossen and Laukkanen.

Thus, Trossen, Laukkanen, Kim and Agrawal, even if combined, fail to teach or suggest determining a transmission method “... by at least one of a hierarchical organization of the transmitted information, an amount of data transmitted, a number of codes used to code the transmitted information, an error correction method, a number of blocks, and a rate matching method”, as recited in amended independent Claims 1 and 4.

Accordingly, Applicants respectfully request the rejection of Claims 1 and 4 (and the claims that depend therefrom) under 35 U.S.C. § 103(a) be withdrawn.

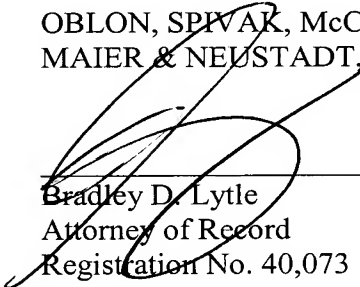
Moreover, Claim 6 is amended to be consistent with amended Claim 4 to exclude the parameter of determining a transmission method based on “interleaving length” and recites that “the transmission method is determined by at least one of a method of organizing the information hierarchically and a rate matching method.” Applicants respectfully submit that this dependent claim, along with dependent Claim 11, recite additional novel features clearly not taught or rendered obvious by the applied references.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. § 1.116, which after Final Rejection permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejections under 35 U.S.C. § 103, the present amendment places the application in better form for consideration on appeal. In addition, the present amendment is not believed to raise new issues because independent Claims 1 and 4 are amended merely to remove the "interleaving length" parameter. It is therefore respectfully requested that 37 C.F.R. § 1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 4, 6-7, 11 and 13-15 patentably defines over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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